

REMARKS**STATUS OF CLAIMS**

Claims 27-29 and 45-47 were pending in the application. Claims 27 and 46 have been amended, claims 29 and 47 have been cancelled without prejudice or disclaimer and no new claims have been added. Therefore, claims 27-28 and 45-46 remain pending for reconsideration by the examiner.

OBJECTION TO THE DECLARATION

Applicants note the objection to the Declaration and are continuing to make diligent efforts to contact the inventors who are overseas (in Israel) and have changed their employment. Therefore, one of the inventors has not yet been located. Applicants will submit supplemental Declaration as soon as the unavailable inventor is located and if not, will shortly submit a petition under Rule 1.183 together with a supplemental Declaration signed by the remaining inventors as per the procedure outlined in MPEP §409.03.

PRIOR ART REJECTION UNDER 35 USC § 103

In the office action, claims 27, 28, and 45 were rejected under 35 USC § 103 as being unpatentable over U.S. Patent Number 6,049,831 to Gardell *et al.* (hereafter "Gardell") in view of U.S. Patent Number 6,606,746 to Zdepski et al. (hereafter "Zdepski"). Claims 29, 46, and 47 were rejected under 35 USC § 103 as being unpatentable over U.S. Patent Number 5,828,370 to Moeller et al. (hereafter "Moeller") in view of Zdepski. Applicant respectfully traverses these rejections for at least the following reasons.

With respect to independent claim 27, even if combination of Gadell and Zdepski was proper (which applicant maintains as being improper as discussed further herein),

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such combination does not disclose or suggest each and every element of claim 27. For example, the combination does not disclose or suggest, among other things:

receiving, at a client interactive TV system, a first compressed video stream representing a WWW page that identifies one or more TV channels, wherein said WWW page is converted to said first compressed video stream and transmitted to said interactive TV by a remote server;

receiving as an overlay on said first compressed video stream, an additional compressed video stream that includes at least one control corresponding to an interaction layer that allows for user input for modifying said first compressed video stream, wherein said client interactive TV system decompresses both said first and said additional compressed video streams and displays said WWW page and said at least one control without using an browser client...

Neither of the applied references nor their reasonable combination disclose or suggest these features.

Specifically, Gardell discloses a system for transmitting network related information where requested network information is separately transmitted as definitions and display information. Although Gardell discloses sending Web pages to a set top box by translating a portion of a page into an MPEG I-Frame for transfer over a first path 138, Gardell does not disclose that such MPEG stream has overlaid thereon an additional compressed video data stream associated with an interaction layer. In fact, Gardell discloses that the interactive elements are transmitted as HTML UI definitions over a separate path as the video stream. These HTML UI definitions are then processed by a browser client 122 (See Fig. 1 of Gardell) which recomposes a frame buffer by merging HTML UI definitions with the received MPEG frames. See steps 510-522 in Figure 5 of Gardell which describes the processing performed at the set top box 118. Therefore, an essential feature of the operation of Gardell is the processing performed by a browser client at the STB 118. This provides for the benefit of Gardell system in that a browser

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core 110 can be connected to multiple types of clients in a more flexible manner. See col. 3, lines 60-65 of Gardell. Therefore, Gardell does not disclose or suggest that receiving as an overlay on said first compressed video stream, an additional compressed video stream that includes at least one control corresponding to an interaction layer that allows for user input for modifying said first compressed video stream, wherein said client interactive TV system decompresses both said first and said additional compressed video streams and displays said WWW page and said at least one control without using an browser client.

Recognizing some of the deficiencies of Gardell, the Office Action cites Zdepski. However, Zdepski does not cure the deficiencies of Zdepski. Nowhere does Zdepski disclose or suggest receiving as an overlay on said first compressed video stream (representing a WWW page), an additional compressed video stream that includes at least one control corresponding to an interaction layer that allows for user input for modifying said first compressed video stream, wherein said client interactive TV system decompresses both said first and said additional compressed video streams and displays said WWW page and said at least one control without using an browser client.

Zdepski relates to the transmission of a compressed background picture and one or more insert pictures wherein the pasting is preferably performed in response to interactive program execution and/or user input. See Abstract of Zdepski. Nowhere does Zdepski teach or suggest anything related to the recited receiving as an overlay on said first compressed video stream (representing a WWW page)…wherein said client interactive TV system decompresses both said first and said additional compressed video streams and displays said WWW page and said at least one control without using an browser client.

Since specific recited features are not disclosed by either Zdepski or Gardell, applicants respectfully submit that the Office Action has not established a *prima facie* case of obviousness with regards to claim 27. Accordingly, Applicants respectfully request withdrawal of rejection of claim 27 as allegedly unpatentable over the combination of Gardell and Zdepski.

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As stated previously, it should be noted that silence in a reference is not a proper basis for asserting obviousness based on that reference because that turns the process of examination on its head. The Patent Office (PTO) has the burden of proving each of the claimed features is shown by the prior art. An allegation that claimed subject matter is “obvious” (as here alleged) requires a positive, concrete teaching in the prior art, such as would lead a person skilled in the art to choose the claimed combination from among many that might be comprehended by broad prior art teachings. The PTO’s review court has made it very clear that silence in a reference is hardly a substitute for clear and concrete evidence from which a conclusion of obviousness might justifiably flow. See, e.g., *Application of Burt*, 356 F.2d 115, 121 (CCPA 1966).

Inoperative Combination

Furthermore, applicants submit that combining Gardell with Zdepski in the manner recited in independent claim 27 would require modifying Gardell with the teachings of Zdepski in a manner that would alter the principle of operation of Gardell. Specifically, Gardell transmits the UI definitions which are processed by a browser client to provide the UI presented by Gardell. Simply inserting the second compressed stream of Zdepski would render Gardell’s browser core and browser client unnecessary and its system inoperative since these are designed to extract and process the HTML UI definitions at the browser server and STB, respectively. Removing Gardell’s essential functionality alters its principle of operation.

Therefore, applicants respectfully submit that a combination of Gardell with Zdepski in the manner recited in the pending independent claim 27 is improper since it would impermissibly alter the principle of operation of Gardell. Furthermore, as noted earlier, even the combination does not disclose all the features recited in the combination recited in independent claim 27.

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DEPENDENT CLAIMS

The dependent claims are deemed to be patentable at least based on their dependence from allowable independent claims. In addition, they recite patentable subject matter when considered as a whole.

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CONCLUSION

Accordingly, applicant submits that the application is now in condition for allowance and an indication of the same is respectfully requested. If the Examiner believes that the application is not in condition for allowance, the Examiner is respectfully requested to call the Applicants' representative at the telephone number listed below.

If this Amendment is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this Response, including an extension fee that is not covered by an enclosed check please charge any deficiency to Deposit Account No. 50-0463.

Respectfully submitted,
Microsoft Corporation

Date: June 21, 2007

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CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being electronically deposited with the USPTO via EFS-Web on the date shown below:

June 21, 2007
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/Kate Marochkina/
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